UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,546	03/04/2002	Katherine Godfrey	01-4004D	5440

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EXAMINER
GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	10/090,546	GODFREY ET AL.
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2 and 6</u> .	6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. **Claims 1-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond (US 5,479,487) in view of MacMillan, Jr. et al. (US 5,416,830).

Regarding **claim 1**, Hammond discloses a calling center employing unified

control system (column 1, lines 14-19), (which reads on claimed "a method of visually

representing call events and completion times on a call-type basis for calls to an

automated response system (31 on FIG. 3) of a call processing center (11 on FIG. 3), a

call to the call processing center including an interactive voice response portion (53 on

FIG. 5) of the call, and, at a caller's option, a hold portion of the call (column 10, line 65

"smart queue") and an agent-caller dialog portion of the call"), the method comprising

the steps of:

obtaining a recording of calls recorded from end to end (column 11, lines 5-12) [A

short screen containing calls data obtaining by the IVR is displayed];

annotating events (column 11, line 21 "a voice") of interest that occurred during a

recorded call, time stamping a time (column 11, line 1 "holding time") when each event

of interest occurred, and determining a call type of the call (column 11, lines 14-22) [The

call center supports the IVR scripts to the ACD queue establishing various calls events];

segregating time stamp data (column 10, line 67 "a specific future time") for

predetermined significant events of the annotated events of interest, the time stamp

data for the predetermined significant events providing timings for the predetermined

significant events (column 10, line 61 to column 11, line12) [The call center has the

abilities for determining the holding time and also the specific future time and the

estimated hold time for the caller based on certain events].

Hammonds fails to disclose preparing bar graphs.

However, MacMillan teaches tabulating the timings by call type and preparing bar graphs (FIG. 3) to illustrate the timings of the predetermined significant events for each call type (column 6, lines 22-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the timing graphs prepared for the calls of MacMillan in the invention of Hammond.

The modification of the invention would offer the capability of the timing graphs prepared for the calls such as the information given by a caller would be transferred among various applications.

Regarding **claims 2, 6, 10 and 14**, Hammond discloses wherein the significant events include a caller entering the IVR portion, a caller being placed on hold, and a caller being transferred to a live agent (column 11, lines 1-12).

Regarding **claims 3, 7, 11 and 15**, Hammond discloses wherein call types are categorized by call dispositions of the plurality of recorded calls (column 12, lines 28-41).

Regarding **claims 4, 8, 12 and 16**, Hammond discloses wherein call types are categorized by final destinations of the plurality of recorded calls (column 12, lines 42-56).

Regarding **claim 5**, Hammond discloses a calling center employing unified

control system (column 1, lines 14-19), (which reads on claimed "an apparatus for

visually representing call events and completion times on a call-type basis for calls to an

automated response system (31 on FIG. 3) of a call processing center (11 on FIG. 3), a

call to the call processing center including an interactive voice response portion (53 on

FIG. 5) of the call, and, at a caller's option, a hold portion of the call (column 10, line 65

"smart queue") and an agent-caller dialog portion of the call"), the apparatus comprising:

means for obtaining a recording of calls recorded from end to end (column 11,

lines 5-12) [A short screen containing calls data obtaining by the IVR is displayed];

means for annotating events (column 11, line 21 "a voice") of interest that

occurred during a recorded call, time stamping a time (column 11, line 1 "holding time")

when each event of interest occurred, and determining a call type of the call (column 11,

lines 14-22) [The call center supports the IVR scripts to the ACD queue establishing

various calls events];

means for segregating time stamp data (column 10, line 67 "a specific future

time") for predetermined significant events of the annotated events of interest, the time

stamp data for the predetermined significant events providing timings for the

predetermined significant events (column 10, line 61 to column 11, line12) [The call

center has the abilities for determining the holding time and also the specific future time

and the estimated hold time for the caller based on certain events].

Hammonds fails to disclose preparing bar graphs.

However, MacMillan teaches means for tabulating the timings by call type and preparing bar graphs (FIG. 3) to illustrate the timings of the predetermined significant events for each call type (column 6, lines 22-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the timing graphs prepared for the calls of MacMillan in the invention of Hammond.

The modification of the invention would offer the capability of the timing graphs prepared for the calls such as the information given by a caller would be transferred among various applications.

Regarding **claim 9**, Hammond discloses a calling center employing unified control system (column 1, lines 14-19), (which reads on claimed "a system for visually representing call events and completion times on a call-type basis for calls to an automated response system (31 on FIG. 3) of a call processing center (11 on FIG. 3), a call to the call processing center including an interactive voice response portion of the call (53 on FIG. 5), and, at a caller's option, a hold portion of the call (column 10, line 65 "smart queue") and an agent-caller dialog portion of the call"), the system being operable to:

obtain a recording of calls recorded from end to end (column 11, lines 5-12) [A short screen containing calls data obtaining by the IVR is displayed];

annotate events of interest (column 11, line 21 "a voice") that occurred during a recorded call, time stamping a time (column 11, line 1 "holding time") when each event

of interest occurred, and determining a call type of the recorded call (column 11, lines 14-22) [The call center supports the IVR scripts to the ACD queue establishing various calls events];

segregate time stamp data (column 10, line 67 "a specific future time") for predetermined significant events of the annotated events of interest, the time stamp data for the predetermined significant events providing timings for the predetermined significant events (column 10, line 61 to column 11, line12) [The call center has the abilities for determining the holding time and also the specific future time and the estimated hold time for the caller based on certain events].

Hammonds fails to disclose preparing bar graphs.

However, MacMillan teaches tabulate the timings by call type and preparing bar graphs (FIG. 3) to illustrate the timings of the predetermined significant events for each call type (column 6, lines 22-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the timing graphs prepared for the calls of MacMillan in the invention of Hammond.

The modification of the invention would offer the capability of the timing graphs prepared for the calls such as the information given by a caller would be transferred among various applications.

Regarding **claim 13**, Hammond discloses a calling center employing unified

control system (column 1, lines 14-19), (which reads on claimed "a computer program

product 14 on FIG. 4) embodying a program (column 9, line 43 "software") for

implementing a method of visually representing call events and completion times on a

call-type basis for calls to an automated response system (31 on FIG. 3) of a call

processing center (11 on FIG. 3), a call to the call processing center including an

interactive voice response portion of the call (53 on FIG. 5), and, at a caller's option, a

hold portion of the call (column 10, line 65 "smart queue") and an agent-caller dialog

portion of the call"), the computer program product comprising:

code for obtaining a recording of calls recorded from end to end (column 11, lines

5-12) [A short screen containing calls data obtaining by the IVR is displayed];

code for annotating events of interest (column 11, line 21 "a voice") that occurred

during a recorded call, time stamping a time (column 11, line 1 "holding time") when

each event of interest occurred, and determining a call type of the call (column 11, lines

14-22) [The call center supports the IVR scripts to the ACD queue establishing various

calls events];

code for segregating time stamp data (column 10, line 67 "a specific future time")

for predetermined significant events of the annotated events of interest, the time stamp

data for the predetermined significant events providing timings for the predetermined

significant events (column 10, line 61 to column 11, line12) [The call center has the

abilities for determining the holding time and also the specific future time and the

estimated hold time for the caller based on certain events].

Hammonds fails to disclose preparing bar graphs.

However, MacMillan teaches code for tabulating the timings by call type and preparing bar graphs to illustrate the timings of the predetermined significant events for each call type (column 6, lines 22-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the timing graphs prepared for the calls of MacMillan in the invention of Hammond.

The modification of the invention would offer the capability of the timing graphs prepared for the calls such as the information given by a caller would be transferred among various applications.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perrone is cited for a voice control of a server (FIG. 1A).

Shaffer et al. is cited for an automatic call distribution and training system (FIG. 1).

Peterson et al. is cited fro a method of creating a telephone data capturing system (FIG. 1).

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-

0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for

the organization where this application or proceeding is assigned are (703) 872-9314 for

regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

4750.

g.g.
July 27, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600